

## Board of Cosmetologist Examiners

### February 25, 2013 Board Meeting

9:00am, Conference Room A, University Park Plaza  
2829 University Ave SE, Minneapolis, MN 55414

#### Present at Meeting:

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Laurie Boggess, Chair	Diane DelaBarre, Assistant Executive Director
Robert Salmonson, Member	Michele Owen, Attorney
Mary Finnegan, Member	Billi Jo Rygg, Licensing Division Manager
Kurt Deile, Member	Rebecca Gaspard, Compliance Division Manager
Gina Stauss Fast, Executive Director	

#### I. *Call to Order*

LB Called meeting to order at 9:06 am

#### II. *Approval of Proposed Agenda*

BS made a motion to pass the proposed agenda with flexibility.

KD seconded. 4 Ayes. 0 Nays. **Motion Carried.**

#### III. *Approval of Minutes*

MF The motion to approve the proposed agenda for the December 3, 2012 meeting was made by LB, not MF

KD made a motion to approve the minutes from December 3, 2012 with changes.

MF seconded. 4 Ayes. 0 Nays. **Motion Carried.**

#### IV. *New Business*

##### A. Waiver—Megan Maki

GSF Ms. Maki is requesting a waiver of rule 2015.0210 that requires a refresher course to renew her lapsed license. Ms. Maki is an esthetics instructor. She let her underlying operator license lapse on 12/31/2003 and would like a waiver from the refresher course.

MF Made a motion to grant a waiver to Megan Maki based on hardship.

BS Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

##### B. Waiver—Augustana Apple Valley Villa

GSF Augustana Apple Valley Villa is requesting a waiver of 2105.0200 that requires a cosmetology salon have at least 120 square feet of workspace.

KD Made a motion to grant a waiver to Augustana Apple Valley Villa based on hardship.

BS Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

C. Public Comment—Institute for Justice

The Institute for Justice would like the Board to support purposed legislation. There was a correction in the language brought to the Board. The definition of threading in subdivision 13 will read 'any type of wax', not 'hot wax'.

KD Made a motion to support the proposed statutory language as amended.

BS Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

D. Public Comment/Variance – Regency Beauty Institute

Regency Beauty Institute and Matthew Palen would like to petition the Board for a variance or in the alternative an interpretation of Rule 2110.0680 (B) (C). Does the rule allow for "signature" to encompass electronic signatures?

BS Made a motion that the Board is going to treat the request as a request for interpretation of the rule 2110.0680 (B) (C).

MF Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

BS Made a motion for the Board to interpret the wording in the rule 2110.0680 (B), "... shall be signed by the instructor who provided or supervised the training; shall be signed by the student. . ." and 2110.0680 (C), "... and signed by the school owner or manager. A copy of that report shall be given to the student. . ." to permit electronic signatures by students, school owner, school manager, and instructors, and to define the word 'given' in section C to include providing electronic access to the monthly reports.

KD Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

E. Public Comment—Denise Jarrett

GSF The reason this come before the Board because it is the first time a person has come forward to ask to provide an Online Sanitation Course.

MO Hair braiding is not regulated by the Board; it is outside the Board's jurisdiction. There is wording related to instruction curriculum that must be approved by the Board. The statutes do not prohibit the curriculum from being given online and they do not require the course to be offered in the paper format.

GSF The Board must review the curriculum before the course can be offered online.

No action is required.

LB Recessed the meeting at 10:10 am.

LB Reconvened the meeting at 10:19am

F. In House Request – Defining Openings/Archways in Salons

GSF Rule 2105.0360 Subp. 6 states, "There should be clean, hot and sanitary running water provided in the work area, dispensary area, and toilet facilities." At the December

2009 meeting, the Board defined a work area as meaning, “the immediate area where services are performed, and in the same room as defined by 4 walls.” In December 2012 we were asked how wide an opening needs to be in order to constitute the same work area. We are coming back to the Board to ask for clarification.

LB asked the members to come up with three scenarios of verbiage for the next meeting. GSF Staff will provide examples of floor plans that have not been approved because of this issued.

Issue tabled until the May 2013 meeting.

G. Continuation of Variance—Park Avenue School of Cosmetology, Inc.

The Park Avenue School of Cosmetology would like an extension of the variance to rule 2110.0400 that requires sinks in all rooms; the school claims hardship.

BS Made a motion to grant the extension of the variance to Park Avenue School of Cosmetology, Inc. until March 31, 2016, based on the findings from the July 17, 2012 order.

MF Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

H. Waiver—Lisa Peterson

GSF Ms. Peterson is requesting a waiver of rule 2015.0210 that requires a refresher course to renew her lapsed license. She let her underlying operator license lapse on 12/31/2001 and would like a waiver from the refresher course.

BS Made a motion to grant a waiver for Lisa Peterson to renew her operator license without a refresher course based on hardship.

KD Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

I. Waiver—Alfreda Riddley

GSF Alfreda Riddley would like a waiver of the refresher course to gain an active license.

She is claiming hardship. She did not work enough hours in the last license cycle because she was caring for her ailing mother who passed away and was fostering her 3 nephews with physical and mental health issues. Ms. Riddley was in mourning for several months after her mother’s passing.

KD When was the last time she actively practiced?

GSF She went inactive 12/26/2012. She could have worked until that day.

LB What has she done in 2011 and 2012? Did she work?

GSF We do not require our licensees to provide work history when they renew as inactive.

KD Made a motion to table the discussion until more information regarding her work history is received.

BS Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

J. Waiver—Ami Shah

GSF Ms. Shah has an expired esthetician operator license. She would like a waiver of the refresher course to renew her expired license due to medical hardship. She did not have enough hours to renew as inactive. She worked 416 hours in 2010, 610 hours in 2011 and 90 hours in 2012. She is short 310 hours.

MF Made a motion to grant a waiver for Ami Shah to renew her license without the required 400 hours per year or refresher course based on hardship.

KD Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

K. Waiver—Lila Danser

GSF Ms. Danser would like a waiver of the rule that requires she obtain a license within 3 years of completing training. She is claiming financial hardship. She was unable to find work in cosmetology. She has submitted her initial operator application. Her exam scores are more than 1 year old, closer to 2 years old.

KD Made a motion to grant a waiver for Lila Danser based on hardship—she must complete a 60 hour refresher course and retake all three exams.

MF Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

L. Waiver—Elizabeth Crandall

GSF Ms. Crandall would like a waiver of the rule that requires she have at least 1400 hours of work experience in a licensed salon in the last three years. She is claiming financial hardship. She has taken and passed all exams. She has not worked in a salon in 2 years. The Board has not heard a request like this before.

MF Made a motion to grant a waiver for Elizabeth Crandall based on hardship—she must complete a 155 hour refresher course and have an application submitted by 10/31/2013. She does not need to take the exams normally required for a 155 hour refresher course.

BS Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

M. Waiver—Alfreda Riddley

KD Made a motion to take the waiver for Alfreda Riddley off the table.

MF Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

N. Waiver—Alfreda Riddley

GSF Alfreda Riddley's last active license cycle was from 01/01/2009 – 01/31/2012. She late renewed on 10/26/2012 as inactive through 01/31/2015. She accumulated between 1500- 2000 hours during the last license cycle (about 20 hours a week). She may have had enough hours to renew as active, if she would have tried to renew as active.

KD She appears to have enough hours to renew as active.

GSF We do not require licensees who renew as inactive to show work experience.

MF Made a motion to waive rule 2105.0200 to grant Ms. Riddley an active license without taking a 40 hour refresher based on hardship.

BS Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

V. *Old Business*

O. Certification of Skills

GSF The Board had asked staff to add waxing to the Certificate of Skills. The members were given samples of certification of skills. How would the members like to add waxing to the certification of skills and update the guidelines? What would the Board like to do?

MF Will staff send out the samples again?

GFS Members will review & report back at the May 2013 meeting.

P. Instructors without Underlying License

GSF Staff was asked to find out how many instructors still do not have the underlying license.

DD Initially 16 people did not have underlying licenses. Letters were sent out to licensees. The number of people now without an underlying license is about 2.

VI. *New Business*

Q. Staff Request- Clean Covered Container

GSF Tightly woven mesh covers are being used for lids on wax pots. The Board is being asked to interpret what a clean covered container means. Can debris get through the mesh?

LB Covered means a solid cover

MF Made a motion that the words "covered container" in Rule 2105.0380 Subp (E) is a solid cover.

KD Seconded. 4 Ayes. 0 Nays. **Motion Carried**

P. In-House Request Designated Salon Manager

GSF Rule 2105.0390 Does the designated salon manager need to be at the salon full time (24/7) or can the designated salon manager be there on a part-time (less than all hours the salon is open) basis.

MO The designated salon manager may designate a salon manager while out of the salon.

RG The issue comes in when people file a complaint because the designated salon manager is not there every hour the salon is open.

BJR The rules says hours do have to be earned under a licensed manager.

MO As part of the docket change you could require a manager be on duty at all times for the sake of public safety. At this time the rule does not indicate that the designated manager needs to be at the salon at all times. The rule does not require hands on supervision or physical presence.

LB Recessed the meeting at 12:04 pm

LB Reconvened the meeting at 12:15 pm

VII. *Old Business*

R. Docket Changes

RG Three rule initiatives going. Staff is hoping to resolve the first rule initiative by June 2014. The other two initiatives have 1) to look at updates for salon and individual license issues and 2) dealing with school questions. The Board may want to look at assembling an advisory task force.

GSF This may take up to six years to complete all these changes. Wait until fall 2013 to assemble an advisory task force.

RG Current docket has cleanup and some of the esti task force work. Most of the changes made in the current docket were not substantive, clean up. The SONAR has explanations of why some changes were made. Staff is asking for a resolution that would allow them to publish the request for comments.

GSF Should we change the word from depilation to permanent hair removal under 2105.0010 Subp. 13?

RG Make the change to permanent hair removal in 2105.0010 Subp. 13.

MF Would like to see 2105 and 2110 more separate; 2015 for salons and 2110 for schools.

GSF 2110.0510 (D) may need to add waxing to the hours chart to match 2110.0520.

Number 7 would be separated out as a, b, c (facials, makeup & face/body waxing).

There would be enough room to do 60 facials, 40 makeup applications and 40 face/body waxes in 200 hours.

MO The rule does not specify the proportion for face/body waxing. It would be possible to break the waxing requirement down further.

GSF 20 face waxing & 20 body waxing may a way to break it up further

KD Should you have more face waxing than body waxing?

RG If the rule were to say 20 face waxes and 20 body waxes would that give the Board the room to make the school certification form be more specific to certain services?

MO It would give schools better notice if it was in rule.

MF Suggests that at least 50 percent hard waxes and 50 percent soft waxes.

RG: Will make the changes that at least 50 percent of waxes need to be hard waxes and 50 percent need to be soft waxes.

MF Made a motion to adopt the resolution regarding the proposed amendment to rules governing licensure, education, terminology and operational requirements for cosmetologists, salons, and schools, Minnesota Rules, Charters 2105 and 2110.

BS Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

VIII. *Division Reports*

S. Compliance and Inspection Division Report – RG presented.

T. Licensing Division Report – BJR presented.

U. Administrative Division Report – GSF presented.

IX. *Adjournment*

KD Made a motion to adjourn the meeting.

BS Seconded. 4 Ayes. 0 Nays. **Motion Carried.**